



DOCKET FILE COPY ORIGINAL

MOTION PICTURE ASSOCIATION  
OF AMERICA, INC.  
1600 EYE STREET, NORTHWEST  
WASHINGTON, D.C. 20006  
(202) 293-1966, EXT. 172  
FAX: (202) 293-7674

RECEIVED

SEP 17 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

TOD COHEN  
VICE PRESIDENT & COUNSEL  
NEW TECHNOLOGY

September 17, 1998

**BY HAND DELIVERY**

Ms. Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, DC 20554

Re: **CS Docket No. 98-120**  
**Carriage of Transmissions of Digital Television Broadcast Stations**

Dear Ms. Roman Sales:

The Motion Picture Association of America, Inc. (MPAA), in response to the above-referenced request for public comments, submits an original and nine copies of its Comments on the Commission's digital television Notice of Proposed Rulemaking, FCC 98-153 (released July 10, 1998) (the proposed "DTV Rules").

Respectfully submitted,

Tod Cohen  
Vice President & Counsel  
New Technology

THC/slm  
Enclosure

cc: Fritz Attaway  
Bonnie Richardson  
Vans Stevenson

No. of Copies rec'd 029  
List A B C D E



DOCKET FILE COPY ORIGINAL

MOTION PICTURE ASSOCIATION  
OF AMERICA, INC.  
1600 EYE STREET, NORTHWEST  
WASHINGTON, D.C. 20006  
(202) 293-1969  
(202) 293-7674 FAX

**RECEIVED**

SEP 17 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the

FRITZ E. ATTAWAY  
SR. VP. GOVERNMENT RELATIONS  
WASHINGTON GENERAL COUNSEL

**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
Carriage of Transmissions	)	CS Docket No. 98-120
Of Digital Television Broadcast Stations	)	
	)	
Amendments to Part 76	)	
Of the Commission's Rules	)	

**COMMENTS OF**  
**MOTION PICTURE ASSOCIATION OF AMERICA**

Motion Picture Association of America ("MPAA"), pursuant to Sections 1.430 and 1.415 of the Federal Communication Commission's Rules, hereby comments on the Commission's digital television Notice of Proposed Rulemaking, FCC 98-153 (released July 10, 1998) (the proposed "DTV Rules").

MPAA urges the Commission in its DTV Rules to promote and support industry standards for digital set-top boxes and digital receivers ("DTV Standards"). See Notice at Sec. III, B-C. Such DTV Standards should require that all digital set-top boxes and digital receivers support effective content management measures that permit

content owners to control access to and reproduction of their works. Digital set-top boxes, receivers and related equipment should be equipped to recognize and respond to content management information in pre-recorded media as well as terrestrial DTV, satellite, cable and other transmissions. The distribution of a wide variety of programming, including recent movies and other high value content on digital television, can be assured only if effective content management capability is required in DTV Standards. Without effective content management, the public interest in providing viewers with the maximum number of program choices cannot be achieved.

#### **I. MPAA and Digital Television.**

MPAA is a trade association representing seven of the largest U.S. producers and distributors of theatrical motion pictures, television programming and home video entertainment. Its members include: Buena Vista Pictures Distribution, Inc. (Disney); Sony Pictures Entertainment Inc.; Metro-Goldwyn-Mayer Studios Inc.; Paramount Pictures Corporation; Twentieth Century Fox Film Corporation; Universal City Studios, Inc.; and Warner Bros. These companies are uniquely positioned to address issues relating to the ability of the new digital television regime to adequately accommodate the legitimate needs of content providers.

MPAA and its member companies have been working for years to help create new media formats for the delivery of their works to consumers, including DVD and digital television. These new formats, for the first time in history, allow people in their homes to view pristine performances of high value motion pictures and television programs. The supply of content to these new formats will be influenced to a

significant degree by the availability of effective technological measures to prevent unauthorized access to and reproduction of premium programming, especially during the early stages of the distribution sequence. MPAA and its members have been working with equipment manufactures, distribution platforms and other interested parties to develop technology that will provide effective content management capability which is ultimately in everyone's interest, especially consumers. Cooperation (and balance) between the content industry and equipment manufactures is being achieved with respect to the DVD media. Similar collaboration must occur in the adoption of DTV Standards.

## **II. DTV Standards Must Include Effective Content Management.**

In its Proposed Rulemaking, the Commission underscores the need to adopt industry standards for DTV set-top boxes and receivers. *See Notice at Paras. 30-31.* Such DTV Standards are needed for general equipment compatibility and a host of technical requirements, including support for the DTV ATSC Standard, tuner and cable signal characteristics, v-chip information, emergency messaging, etc. *See Fn. 86 (listing CEMA proposed standards).*

Most importantly, the Commission recognizes the role of effective content management as part of DTV Standards. As the Commission stated: "Digital cable set top boxes may also perform certain other operations that may need to be considered, such as functions that are intended to assist program suppliers providing 'copy protection' to their programming." *Id. at para. 30.* The Commission continued: "The copy protection concern is that parties having access to the basic content of digital

programming can make copies that are virtually as good as the original thus creating commercial incentives to withhold or delay the distribution of certain programming product.” *Id.* (*emphasis added*). These statements apply equally to digital receivers. Including effective content management capability in DTV Standards will provide a secure environment which will encourage content providers to bring their product to this new media without fear of uncontrolled access and reproduction which would destroy its value.

The only place to install effective content management technology is within digital set-top boxes, digital receivers and related equipment. Effective content management technology does not exist for use in analog high definition transmissions. Moreover, there are no prospects for such technology in the near future. Thus, it is necessary to provide for effective content management in digital TV devices.

### **III. The Public Interest Is Best Served by Requiring Effective Content Management as part of DTV Standards.**

As stated, the program content industries (including MPAA’s members) have a keen interest in the development of standards that will maintain the integrity of the delivery of digital television and provide the ability to control access and reproduction. More importantly, consumers benefit from the adoption of effective content management technology.

To illustrate, PAY-TV is possible only because technology exists to limit access to subscription programming. Without this technology, the millions of viewers who chose to pay for programming not available on advertiser supported TV would be

denied an important viewing option. DTV can provide additional viewing options, including high value movies not now made available for home viewing, if, and only if, technology is present to preserve the economic incentives necessary to justify release in this medium.

The ability to control copying, as well as access, is essential. Just as cinemas do not permit patrons to make video copies of what is presented on the screen for one-time viewing, the “home theater” providers of the future must be able to provide a one-time viewing option that does not result in widespread copying that undermines the financial basis of the service.

We all benefit from the delivery of the widest possible array of programming choices. To achieve such choices, a technological environment is needed that provides measures to prevent unauthorized access and unauthorized reproduction. DTV Standards that include effective content management help achieve this goal.

Proposals to adopt DTV Standards that do not incorporate effective content management may dissuade some content producers from delivering into homes the most recent movies, concerts, shows and sporting events that are now only available in cinemas, live theaters and stadia. Moreover, failure to include content management in DTV Standards will be grossly unfair to consumers. Consumers who purchase DTV receivers and other equipment that do not provide content management capability will discover that the equipment they have purchased cannot be used to view high value, copy protected programming. They will have invested significant sums of money to acquire equipment that does not deliver the full array of programming that they

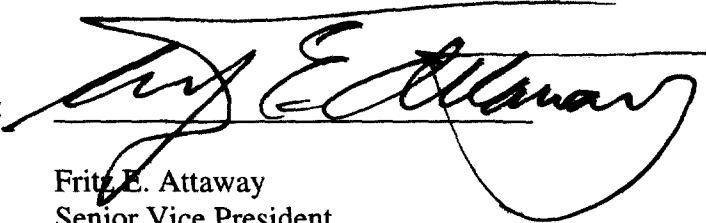
reasonably expect to receive. The Commission should make every effort to insure that consumers are not misled and placed in this profoundly unfair situation.

The public interest requires that digital television provide more than just better pictures of what is currently transmitted. Simply put, effective content management is a core requirement for Digital Standards.

Respectfully submitted,

THE MOTION PICTURE ASSOCIATION  
OF AMERICA, INC.

By:



Fritz E. Attaway  
Senior Vice President,  
Government Relations  
Washington General Counsel

Tod Cohen  
Vice President and Counsel  
New Technology

September 17, 1998